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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,387	11/18/2003	Edgar A. Dallas	048674-0309	4418

26371 7590 09/22/2004

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EXAMINER
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PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/716,387	<b>Applicant(s)</b> DALLAS ET AL. <span style="float: right;">on</span>	
	<b>Examiner</b> Jason Prone	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                             |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-1-04</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pair of scissors", of claims 5 and 13, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In regards to claims 5 and 13, the term "pair of scissors" is unclear. It is uncertain what structure the scissors incorporate.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 5, 18, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntosh.

McIntosh discloses the same invention including a handle (1), at least one tool (9) pivotally coupled to the handle (3), a flashlight coupled to the handle (1), that the flashlight has a first light source directing a first light beam in a first direction and a second light source directing a second light beam in a second direction (Fig. 3), that the tool is coupled to a first end of the handle and the flashlight is coupled to an opposing end of the handle (Fig. 3), and that the tool is a knife (9).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh in view of Landamia. McIntosh discloses the invention but fails to disclose that the first and second directions are approximately ninety degrees apart and that the light sources are LEDs. Landamia teaches first and second directions are approximately ninety degrees apart (29 and 49) and that the light sources are LEDs (60). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided McIntosh with LEDs separated by ninety degrees, as taught by Landamia, for a more efficient light and an alternate range of illumination.

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh in view of Chen (5,467,256). McIntosh discloses the invention but fails to disclose that the handle includes an interior channel, that the flashlight is stowed in the channel when in the closed position, and that the flashlight is pivotally coupled to the handle. '256 teaches a handle with an interior channel (12), that the flashlight is stowed in the channel when in the closed position (Fig. 2), and that the flashlight is pivotally coupled to the handle (133). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided McIntosh with a pivotal flashlight store in a interior channel, as taught by '256, for a smaller, more compact tool.

10. Claims 8 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (5,467,256) in view of Jones et al. '256 discloses the invention including a

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handle (11), a tool coupled to the handle (31), a flashlight coupled to the handle (25), that the flashlight has a closed position (Fig. 2) and an open position (Fig. 3), that the tool is coupled to a first end (131) and the flashlight is coupled to an opposing end of the handle (133), that the tool is a knife (31), that the flashlight is pivotally coupled to the handle (133), a means for activating the flashlight to turn the flashlight on (22), and that the means for activating is a push button (22) but fails to disclose a means for biasing the flashlight into the open position coupled between the handle and the flashlight, that when the means for activating is engaged the means for biasing moves the flashlight from the closed to the opening position, and that the means for biasing is a torsion spring. Jones et al. teaches a means for biasing a tool into the open position coupled between the handle and the tool (38), that when the means for activating is engaged the means for biasing moves the flashlight from the closed to the opening position (Abstract lines 10-12). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '256 with a spring loaded deployment means, as taught by Jones et al., for a quicker/easier way to move the tool from a closed position to a usable position.

11. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (5,467,256) in view of Jones et al. as applied to claim 8 above, and further in view of Landamia. '256 and Jones et al. disclose the invention but fail to disclose that the flashlight comprises two light beams shining in two different directions, that the first and second directions are approximately ninety degrees apart, and that the light sources are LEDs. Landamia teaches two light beams shining in two different directions (Fig. 1),

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that the first and second directions are approximately ninety degrees apart (29 and 49), and that the light sources are LEDs (60). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '256 in view of Jones et al. with two LEDs separated by ninety degrees, as taught by Landamia, for a more efficient light and an alternate range of illumination.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brill, Chen ('414), Dalton et al., Dallas ('277), Yang, Chen ('819), Chen ('829), Chen ('427), and Dallas ('289).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature, possibly reading "JP", consisting of a series of loops and a final downward stroke.

JP  
September 17, 2004

A handwritten signature, possibly reading "Allan", consisting of a stylized 'A' followed by a diagonal line.

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700